

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Vicente Javier Benedí Benito, et al.)
U.S. Serial No.: 10/009,980) Attorney Docket No.:
Confirmation No.: 5781) 8057/84086
Filed under 35 U.S.C. 371 on : November 28, 2001) U.S. Examiner:
Based on Int'l Ser. No.: PCT/ES01/00079) not yet assigned
Int'l Filing Date: March 2, 2001) Group Art Unit:
Title: MOLECULAR METHODS FOR DETECTING) not yet assigned
GUAR GUM ADDITIONS TO LOCUST BEAN GUM)

COMMUNICATION

Commissioner for Patents
Box PCT
Washington, D.C. 20231

Sir:

This paper is in response to the Notification of Defective Response that was mailed December 3, 2002. A copy of the Notification of Defective Response, including a Raw Sequence Listing Error Report, is enclosed.

The Notification states that an executed Oath or Declaration and a Biological Sequence Listing must be submitted to complete the Missing Requirements under 35 U.S.C. § 371. We believed that a complete copy of a Declaration from each of the co-inventors was timely filed on September 10, 2002. A copy of that earlier-filed executed Declaration is enclosed herewith. However, we note that our file copy of the executed Declaration that was filed is missing the signature page from co-inventor, Josep Antonio Rossello Picornell. In case the copy of the executed Declaration that was filed with the US PTO was likewise missing the same page, we further

submit another executed Declaration from co-inventor Josep Antonio Rossello Picornell.

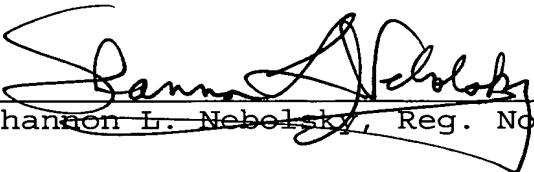
The Notification further states that a new Sequence Listing is required that overcomes the errors noted on the CRF Report. The computer readable version of the Sequence Listing was modified to address the errors noted in the CRF Report. A new substitute paper copy of the Biological Sequence listing was generated from that new computer readable copy. The response to the Sequence Listing portion of the Notification was mailed to the US PTO Box SEQUENCE on this same date. A copy of the documents sent to that box are enclosed herewith.

It is now believed that the response to the Notification of Defective Response is complete, and that no fee is necessary. However, should any fee be deemed necessary, the enclosed Fee Transmittal authorizes charges and/or overpayments to our Deposit account, and is enclosed in duplicate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false

statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

By 
Shannon L. Nebolsky, Reg. No. 41,217

Enclosures

Transmittal Letter
Fee Transmittal Sheet (in duplicate)
Copy of Notification of Defective Response
Copy of Raw Sequence Listing Error Report
New Executed Declaration of Josep Antonio Rossello Picornell
Copy of previously-filed executed Declaration
Copy of Response sent to Box SEQUENCE
Postcard

US PTO Customer Number 24628
WELSH & KATZ, LTD.
120 South Riverside Plaza, 22nd Floor
Chicago, Illinois 60606
Phone (312) 655-1500
Fax No. (312) 655-1501

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this Communication, together with the stated enclosures, is being deposited with the United States Postal Service as Express Mail Label No. EV 045460792 US, postage prepaid, in an envelope addressed to: Commissioner for Patents, Box PCT, Washington, D.C. 20231 on December 17, 2002.



In Re Patent Application

Atty. Docket
8057/84086

Patent Appln. Ser. No. 10/009,980; Filed: November 8, 2001

SLN/s

Inventor: Benedí Benito, et al.

Molecular Methods For Detecting Guar Gum Additions To Locust Bean Gum

Express Mail No. EV 045460789 US **Mailing Date: December 17, 2002**

Transmittal Letter to the U.S. Designated/Elected Office with Fee Calculation Sheet (2 pages);

Notification of Defective Response with Raw Sequence Listing Error Report (5 pages); Amendment

under 37 C.F.R. § 1.825 including Statements under 37 C.F.R. § 1.821 and § 1.825 with Certificate of

Express Mail (4 pages); Paper copy and diskette of Sequence Listing (4 pages and 1 diskette) and

Postcard

Sir:

Please acknowledge receipt of the above-identified documents by applying the Patent and Trademark
Office receipt hereto and mailing this card.

Respectfully submitted,
WELSH & KATZ, LTD.



**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371****8057/84**

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

10/009,980INTERNATIONAL APPLICATION NO.
PCT/ES01/00079INTERNATIONAL FILING DATE
March 2, 2001PRIORITY DATE CLAIMED
March 8, 2000

TITLE OF INVENTION

MOLECULAR METHODS FOR DETECTING GUAR GUM ADDITIONS TO LOCUST BEAN GUM

APPLICANT(S) FOR DO/EO/US

Vincente Javier Benedit Benito, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Certificate of Mailing by Express Mail
23. ☒ Other items or information: Transmittal Letter to the U.S. Designated/Elected Office with F Calculation Sheet (2 pages); Notification of Defective Response with Raw Sequence Listing Error Report (5 pages); Amendment under 37 C.F.R. § 1.825 including Statements under 37 C.F.R. § 1.821 and § 1.825 with Certificate of Express Mail (4 pages); Paper copy and diskette of Sequence Listing (4 pages and 1 diskette) and Postcard

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.101) 10/009,980	INTERNATIONAL APPLICATION NO. PCT/ES01/00079	ATTORNEY'S DOCKET NUMBER 8057/84086
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24. The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) : <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1040.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$890.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS PTO USE ONLY <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"></td> <td style="width:50%;"></td> </tr> <tr> <td style="text-align: right;">\$0.00</td> <td></td> </tr> <tr> <td style="text-align: right;">\$0.00</td> <td></td> </tr> </table>				\$0.00		\$0.00	
\$0.00											
\$0.00											
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$0.00							
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE								
Total claims	- 20 =	0	x \$18.00	\$0.00							
Independent claims	- 3 =	0	x \$84.00	\$0.00							
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>				\$0.00							
TOTAL OF ABOVE CALCULATIONS =				\$0.00							
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.				\$0.00							
SUBTOTAL =				\$0.00							
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				\$0.00							
TOTAL NATIONAL FEE =				\$0.00							
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>				\$0.00							
TOTAL FEES ENCLOSED =				\$0.00							
				Amount to be refunded	\$						
				charged	\$						


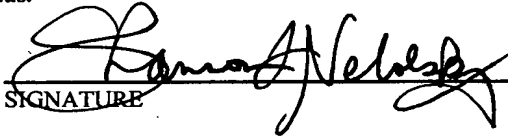
a. ☐ A check in the amount of _____ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **23-0920** A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO: <div style="text-align: center;">  24628 <small>PATENT TRADEMARK OFFICE</small> WELSH & KATZ, LTD. 120 S. Riverside Plaza, 22nd Fl. Chicago, Illinois 60606 </div>	<div style="text-align: center;">  SIGNATURE Shannon L. Nebolsky NAME 41,217 REGISTRATION NUMBER December 17, 2002 DATE </div>
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24. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :

- | | |
|--|------------------|
| <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO | \$1040.00 |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO | \$890.00 |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO | \$740.00 |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) | \$710.00 |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) | \$100.00 |

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

\$0.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	x	\$18.00	\$0.00
Independent claims	- 3 =	0	x	\$84.00	\$0.00

Multiple Dependent Claims (check if applicable). ☐

\$0.00

TOTAL OF ABOVE CALCULATIONS =

\$0.00

☐ Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.

\$0.00

SUBTOTAL =

\$0.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

\$0.00

TOTAL NATIONAL FEE =

\$0.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). ☐

\$0.00

TOTAL FEES ENCLOSED =

\$0.00

Amount to be:	\$
refunded	
charged	\$

- a. ☐ A check in the amount of _____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **23-0920** A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:



24628

PATENT TRADEMARK OFFICE

WELSH & KATZ, LTD.
 120 S. Riverside Plaza, 22nd Fl.
 Chicago, Illinois 60606

SIGNATURE

Shannon L. Nebolsky

NAME

41,217

REGISTRATION NUMBER

December 17, 2002

DATE



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

 04086
 MSK SLN

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/009,980	Benedi Benito	84086

 Shannon L Nebolsky
 WELSH & KATZ LTD
 22nd Floor
 120 South Wacker Drive
 Chicago, IL 60606

INTERNATIONAL APPLICATION NO.	
PCT/ES01/00079	
LA. FILING DATE	PRIORITY DATE
03/02/2001	03/08/2000

 CONFIRMATION NO. 5781
 371 FORMALITIES LETTER

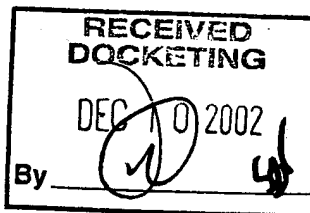

OC00000009181997

Date Mailed: 12/03/2002

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination
- Substitute Specification


 RECEIVED
 2002 DEC 10 AM 8:39
 WELSH & KATZ, LTD

Applicant's response filed 11/08/2001 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 06/07/2002 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period of response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
 - **APPLICANT MUST PROVIDE:**
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 305-3659

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/009,980	PCT/ES01/00079	84086